IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

FRIDAY, THE 23RD MARCH 2007 / 2ND CHAITHRA 1929

Bail Appl..No. 1783 of 2007()

CRIME NO.72/2007 OF NATTUKKAL POLICE STATION

: PETITIONERS / ACCUSED

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1. NAJEEB T.K., S/O.LATE UNNENKUTTY HAJI, THORAKKATTIL HOUSE, EDATHANATTUKARA P.O., PALAKKAD DISTRICT.

2. SHAMSUDEEN T.K., S/O.LATE UNNENKUTTY HAJI, THORAKKATTIL HOUSE, EDATHANATTUKARA P.O., PALAKKAD DISTRICT.

BY ADV. SRI.RAJESH NAMBIAR

RESPONDENTS: STATE

THE STATE OF KERALA, REPRESENTED BY THE SHO NATTUKKAL POLICE STATION, THROUGH THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM KOCHI - 31.

BY PUBLIC PROSECUTOR K.S. SIVAKUMAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 23/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.RAMKUMAR, J.

Bail Application No. 1783/2007

Dated this 23rd day of March, 2007

O R D E R

The petitioners, who are accused Nos. 1 and 2 in Crime No.72/2007 of Nattukkal Police Station for offences punishable under Sections 323, 324, 326, 506(i) and 308 IPC read with Section 34 IPC, seek anticipatory bail.

2. The learned Public Prosecutor opposed the application.

3. The case of the prosecution is that on account of the enimity towards the defacto complainant, a lady, the petitioners are alleged to have assaulted her with a chopper and a wooden stick at about 12 noon on 10.3.2007, resulting in the lady sustaining injuries including fracture of her right hand.

4. Anticipatory bail cannot be granted in a case of this nature. But at the same time, I am inclined to permit the petitioners to surrender before the Investigating Officer and then to have their applications for regular bail ordered by the Magistrate concerned. Accordingly, the petitioners are directed to surrender before the Investigating Officer on any day between 28.3.2007 and 30.3.2007 for the purpose of

interrogation and recovery of incriminating materials, if any. The petitioners shall, thereafter, be produced on the same day before the Magistrate concerned, who shall consider and dispose of the applications, if any, filed by the petitioners for regular bail preferably on the same day on which such applications are filed.

The application is disposed of as above.

V.RAMKUMAR,
JUDGE

mrcs